

REPORT
OF
THE JOINT INTERIM
COMMITTEE ON IMMIGRATION

December, 1999

Prepared by:

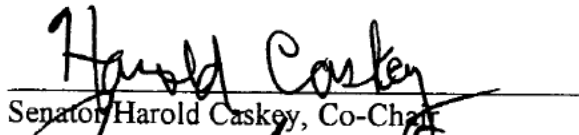
Erin Motley, Senate Research
Steve Bauer, House Research

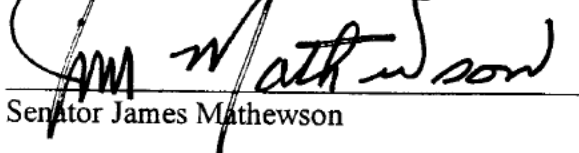
December 1, 1999

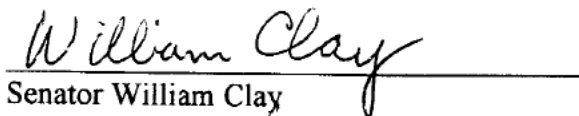
The Honorable Edward Quick, President Pro Tem
The Honorable Steve Gaw, Speaker
State Capitol Building
Jefferson City, MO 65101

Dear Mr. President and Mr. Speaker:

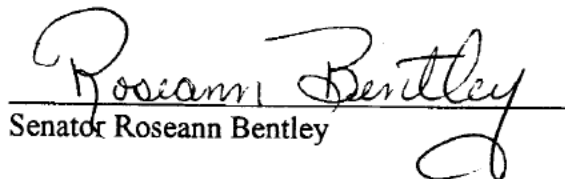
The Joint Committee on immigration in Missouri, acting pursuant to House Concurrent Resolution 10, has met, taken testimony, deliberated, and concluded its study on issues confronting communities due to immigration in Missouri. The undersigned members of the Committee are pleased to submit the attached report.

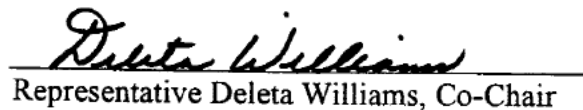

Senator Harold Caskey, Co-Chair

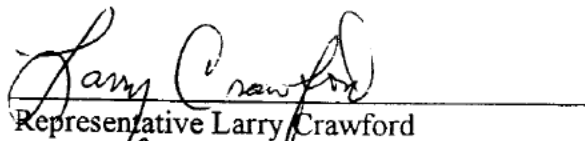

Senator James Mathewson

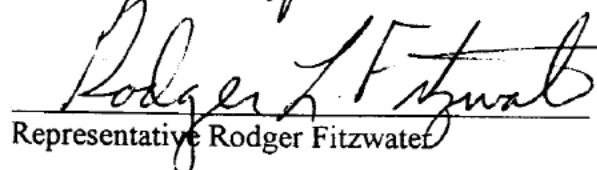

Senator William Clay


Senator Marvin Singleton


Senator Roseann Bentley


Representative Deleta Williams, Co-Chair


Representative Larry Crawford


Representative Rodger Fitzwater


Representative David Levin

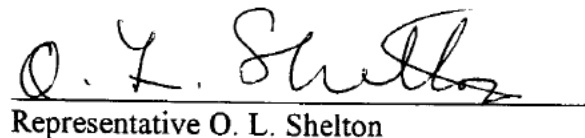

Representative O. L. Shelton

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Joint Interim Committee on Immigration Report

I. Overview

Recognizing that the increasing immigrant population in the state of Missouri creates new policy and fiscal challenges for the state, the General Assembly passed House Concurrent Resolution 10 in 1999, sponsored by Representative Deleta Williams. The resolution called for the establishment of a two-year Joint Interim Committee on Immigration in Missouri. The Committee was primarily charged to examine the effect of immigration on school systems, health care, social service assistance, and law enforcement in local communities and to produce a preliminary report in the first year of existence and a final report in its second year of existence. Senator Ed Quick, the President Pro Tem of the Senate appointed Senator Harold Caskey as Co-Chair of the Committee and Senator James Mathewson, Senator William Clay, Senator Roseann Bentley, and Senator Marvin Singleton as Senate Committee members. Representative Steve Gaw, the Speaker of the House appointed Representative Deleta Williams as Co-Chair of the Committee and Representative Larry Crawford, Representative Rodger Fitzwater, Representative David Levin, and Representative O.L. Shelton as House Committee members.

The Committee held a number of public hearings and solicited testimony regarding a wide range of issues related to immigration. Hearings were held in the following locations:

September 1, 1999	Sedalia
September 30, 1999	Neosho
October 20, 1999	Trenton

November 4, 1999

St. Louis

November 16-17, 1999

Jefferson City

Based on the testimony provided by school officials, health care professionals, law enforcement, businesses, state agencies, and researchers, the Committee developed five recommendations to address the needs of Missouri's immigrant population and local communities. In developing the recommendations, the Committee noted the importance of current federal limitations on state action, which expands the need for local community efforts and shapes the tone of the recommendations. Following is a discussion of these federal issues and limitations.

II. Federal Issues - Federal and State Law as Applied to Immigrants

In 1996, federal welfare reform drastically altered the nation's welfare system and, as a result, changed the way each state handles its welfare recipients. The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 created work requirement mandates and public assistance time limits for current and future welfare recipients. A largely overlooked consequence of welfare reform was its effect on the nation's documented and undocumented immigrant population. Welfare reform devolved much of the immigrant policymaking from the federal government to the states, but not without the creation of important distinctions between pre-enactment immigrants, or those who were in the United States on or before August 22, 1996, and post-enactment immigrants, or those who arrived in the United States after that date. As it was originally passed, PRWORA limited public assistance to

all immigrants, but Congress quickly restored eligibility to most pre-enactment immigrants.

Currently, PRWORA gives states the option of providing Temporary Assistance for Needy Families (TANF), Food Stamps, Supplemental Security Income (SSI) and Medicaid to pre-enactment immigrants. Almost every state, including Missouri, now allows pre-enactment immigrants to remain eligible for these programs, albeit with specific restrictions. Such revisions, however, only serve to deepen the chasm between pre-enactment and post-enactment immigrants. Federal mandates currently require a five-year bar on federal funding of assistance provided to post-enactment immigrants. Thus, if states want to provide such assistance, they are forced to pay for it themselves. The majority of states, including Missouri, do not have the funding for their own special immigrant programs and, therefore, post-enactment immigrants are not covered.

Since the 1996 passage of PRWORA, Missouri has experienced an influx of post-enactment immigrants due largely to its burgeoning meat-processing industry. According to testimony repeated at all of the Committee's hearings, state resources are scarce and the burden of supporting most post-enactment immigrants has fallen on the individual communities. Along with numerous welfare obligations, communities acknowledge the fact that Title VI of the Civil Rights Act of 1964 prohibits discrimination in assigning students to schools, classes, or courses of study in programs or activities that receive federal financial assistance. Overall, local communities appear to be accepting their new immigrants and their children and appreciating the benefits of a growing immigrant population. Unique and industrious ideas for providing support have been developed, such as Multicultural community centers, English as a Second Language classes, and community-supported day care centers. Testimony at Committee meetings

evidenced the willingness of communities to support these new populations when the federal and state government does not. The need, however, for additional funding and support is a constant. With these federal issues in consideration, the Committee made the following recommendations based on the testimony presented and the knowledge that increased support for Missouri's immigrant population must be a joint effort between individual communities and the state.

III. Committee Findings and Recommendations

Recommendation 1: General Needs

The Committee recommends that the State establish a multicultural center and program as a resource for all Missouri citizens and immigrants.

Discussion:

The Committee heard testimony about the need for community or state resources for immigrants. Witnesses suggested that the state develop a method of informing immigrants about their rights, available assistance, location of housing and health care, along with ways to address various other needs. Most importantly, communication continues to be a barrier in all areas of an immigrant's life and this need should be stressed in all programs benefitting immigrants.

The Committee recommends that the state establish a multicultural center and program with the Lieutenant Governor's Office operating as an ombudsman and supporting the center through his or her budget. A citizen's advisory committee should be established for the purpose of designing the multicultural program and should include a total of twenty four members. Five of the members should be persons employed by the Departments of Elementary and Secondary

Education, Social Services, Health, Economic Development, and Public Safety and shall be appointed by the Department Directors. Four members should be bipartisan legislators, appointed by the President Pro Tem of the Senate and the Speaker of the House. Finally, fifteen members shall be citizens of this state who work directly with the immigrant population.

The multicultural program shall serve as an all-encompassing resource for immigrants and shall develop outreach materials in various formats, including the development of a website. Materials should be produced in a variety of foreign languages, but with emphasis on an immigrant's need to learn the English language. Local communities should use the program as an educational tool for themselves and for immigrants, again, with priority given to the need for communication between immigrants and Missouri's citizens.

Recommendation 2: Educational Role

The Committee recommends full funding of the English as a Second Language Program (SB 583 and SB 645, 1998) and encourages the recruitment of ESL teachers. The Committee also encourages Missouri corporations to offer ESL training to employees and their families.

Discussion:

The Committee heard testimony regarding the increase in immigrant employees at large food-processing plants throughout the state. Their arrival has created a growing number of school-age immigrant children in Missouri's school systems. School systems are faced with the challenge of educating students who are unable to speak English and who often cannot read or write in their native language. The educational process is made more difficult by the number of

students who drop out of the system or relocate to other schools over short periods of time, affecting the continuity of their education. Unfortunately, testimony confirmed that the need for immigrant education is not limited to children. Many adults have little more than an elementary school education and lack basic writing skills. Adult immigrants face many complex tasks such as obtaining a driver's license, purchasing a home, and filling a prescription and the inability to understand how to proceed with them. In addition, many immigrants do not understand state and federal laws. All testimony presented to the Committee centered around the main issue of communication between communities and the immigrant population. The best solution to this problem is English training. Witnesses from a number of schools testified, however, that they lack funding to provide special language programs and to recruit certified English as a Second Language (ESL) teachers.

The Committee recommends full funding of the English as a Second Language Program (Senate Bill 583 & 645, 1998). The Committee also recognizes the difficulty schools and adult education programs have in recruiting ESL teachers and encourages the Department of Elementary and Secondary Education and Missouri's institutes of higher education to establish programs to attract ESL teachers. The Committee also encourages corporations located in Missouri to offer ESL training on site and during working hours.

Recommendation 3: Public Health Role

The Committee recommends that:

1. The Department of Social Services simplify the application process for Medicaid and the Children's Health Insurance Program;

2. All immigrants must undergo testing for tuberculosis and that funding should be provided to state and local health facilities to implement the testing; and
3. The availability and quality of employee health insurance should be considered in the decision to award state tax credits, grants, or other related benefits to businesses.

Discussion:

The Committee heard testimony about the inadequacy of health care received by immigrants. Witnesses discussed problems with state medical assistance programs, such as Medicaid and the Children's Health Insurance Program (CHIP). Problems have emerged with the applications for these programs and the requirement that social security numbers be provided, even though unnecessary when applying for medical care for children only.

Additional testimony discussed the very basic problem of locating available health care in the community and understanding English in order to communicate with health care professionals.

The Committee recommends that the Division of Family Services and the Division of Medical Services within the Department of Social Services simplify the application process for Medicaid and CHIP. The Divisions should only require information that is absolutely necessary, especially for child enrollment purposes. Such revisions would include making the provision of social security numbers optional, mandating a two-page maximum application length, and publishing the application in multiple languages and written on a fifth-grade reading level.

The Committee also recommends that all employers require their immigrant-employees to undergo testing for tuberculosis and that funding be provided to the Department of Health and local public health facilities to implement the testing program. This recommendation is made

with the understanding that many of Missouri's immigrants work in food-processing plants which are already required to test all employees for tuberculosis and prohibit those testing positive from working near any food. (See section 196.225, RSMo, and 19 CSR 20-1.025, implementing provisions of the Department of Health and Human Services Public Health Service Food and Drug Administration 1999 Food Code).

Finally, the Committee recommends that before a business can qualify for state tax credits, grants, or other related benefits, it should assist its employees in finding adequate health care. Many businesses offer health insurance programs, however, the immigrant population does not always take advantage of these benefits. Thus, information and assistance should be given to help immigrants obtain health care that is appropriate to their situation.

Recommendation 4: Law Enforcement Role

The Committee recommends that Spanish and cultural diversity classes should be offered for law enforcement officers and recruits, and should be given to officers who wish to maintain their certification.

Discussion:

The Committee heard testimony from law enforcement officials and courts regarding their difficulties in communicating and dealing with immigrants. The lack of communication leads to a mutual distrust, based on the fact that neither participant can explain or reason with the other. Immigrants often do not comply with local ordinances and state laws, not because they are criminals, but because they do not understand the laws and do not read or write English.

The Committee recommends that the state Sheriff's Association and the state Deputy Sheriff's Association encourage Spanish and cultural diversity classes for law enforcement officers and recruits. It is important that such classes be recognized and approved by the Missouri Peace Officers Standards and Training Commission (POST) to assist officers in maintaining their POST certification. To further assist communication between immigrants and law enforcement officers, the utilization of hand-held translators while in the line of duty should also be considered.

Recommendation 5: Faith Community Role

The Committee encourages the continuing efforts of Missouri's faith community to assist immigrants in Missouri. The Committee encourages the cooperation of state and local organizations with the faith community to accomplish this goal.

Discussion:

The Committee heard testimony from the faith community regarding their role in supporting the immigrant population in Missouri. Many faiths have welcomed immigrants into their worship times and have provided assistance in the form of shelter, food, English instruction, and financial support, among other benefits. Members of the faith community testified that they appreciate the multicultural diversity that the immigrant population has added to their congregations.

The Committee commends the efforts of Missouri's faith community in assimilating immigrants and accepting them into their congregations. The Committee encourages the faith

community to remain active in the lives of Missouri's immigrant population and to continue to work with state and local organizations and community members to further integrate them in their new home.

MINORITY REPORT
OF THE
JOINT INTERIM COMMITTEE
ON
IMMIGRATION

Filed By
Senator Marvin Singleton

December 1, 1999

The Honorable Edward Quick, President Pro Tem
The Honorable Steve Gaw, Speaker
State Capitol Building
Jefferson City, MO 65101

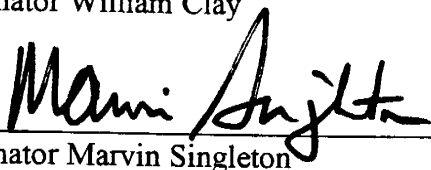
Dear Mr. President and Mr. Speaker:

The Joint Committee on immigration in Missouri, acting pursuant to House Concurrent Resolution 10, has met, taken testimony, deliberated, and concluded its study on issues confronting communities due to immigration in Missouri. The undersigned members of the Committee are pleased to submit the attached addendum.

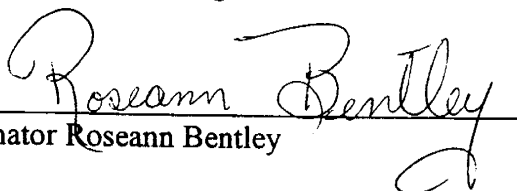
Senator Harold Caskey, Co-Chair

Senator James Mathewson

Senator William Clay

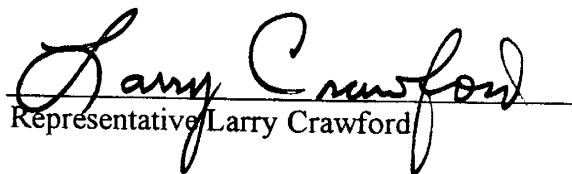


Senator Marvin Singleton



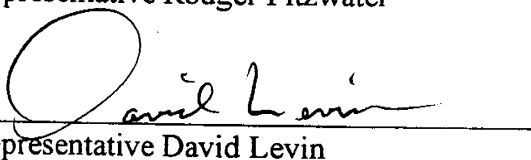
Senator Roseann Bentley

Representative Deleta Williams, Co-Chair



Representative Larry Crawford

Representative Rodger Fitzwater



Representative David Levin

Representative O. L. Shelton

Joint Interim Committee on Immigration Minority Report

Due to the longstanding problem of the immigrant population's ability to learn English and due to the immediacy of the problem of finding certified English as a Second Language (ESL) teachers, the Committee recommends a six-year waiver by the Department of Elementary and Secondary Education of the requirements for ESL certification in order to allow local school boards to base employment either on ESL certification, or ethnicity of the individual, or ability to speak a certain language, or certification in another state.

House Concurrent Resolution No. 10

Whereas, there has been a recent influx of immigrants moving into the state of Missouri and such immigrants can affect the amount of state government services that are necessary and the ways state government services are administered; and

Whereas, such immigrants affect our state educational system by creating a need for programs to enhance language communication; and

Whereas, our local law enforcement agencies are faced with new difficulties in assisting residents in the understanding of, and in the abiding with, state and federal law; and

Whereas, many of the recent immigrants do not have adequate health care coverage which results in limited access, or no access, to health care; and

Whereas, this recent increase of persons with limited English speaking skills and different cultural backgrounds is having an impact on local communities and neighborhoods; and

Whereas, there is a recent increase in demand for social services benefits; and

Whereas, there are more demands on employment training programs for unskilled workers in our state:

Now, therefore, be it resolved that the members of the Missouri House of Representatives of the Ninetieth General Assembly, First Regular Session, the Senate concurring therein, that a Joint Committee on Immigration in Missouri be created to study the effects of the recent trend in immigration and to make recommendations on how best to prepare for the impact of this trend; and

Be it resolved that the committee be comprised of ten members, five members to be appointed by the Speaker of the House of Representatives and five members to be appointed by the President Pro tem of the Senate, with no more than three House members or three Senate members being from the same political party; and

Be it further resolved that the committee be authorized to hold hearings and investigations as it deems advisable, and that the staffs of House Research, Senate Research and the Committee on Legislative Research provide any technical or clerical assistance requested by the committee and the members of the committee shall receive reimbursement for their actual and necessary expenses incurred in the performance of their official duties for the committee; and

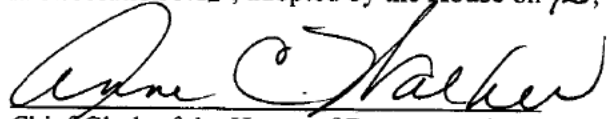
Be it further resolved that the committee report its recommendations and findings to the Missouri General Assembly by January 1, 2000, and that the authority of such committee shall terminate on December 31, 2000; and

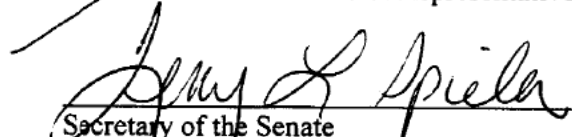
Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed

to prepare properly inscribed copies of this resolution for Speaker of the House of Representatives and the President Pro Tem of the Senate.

Offered by Representative Deleta Williams
District 121

Anne C. Walker, Chief Clerk of the House, and Terry L. Spieler, Secretary of the Senate, do hereby certify that the aforementioned is a true and correct copy of House Concurrent Resolution No. 10, adopted by the House on 7/23, 1999, and concurred in by the Senate on 4/6, 1999.


Chief Clerk of the House of Representatives


Secretary of the Senate

